

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 25, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Joan E. Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

WERNER Having been appointed to read the minutes of the City Council proceedings of August 18, 2003, reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PUBLIC HEARING

APPLICATION OF EAGLE ENTERTAINMENT L.L.C. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 30' BY 45' IN THE B & R STORES PARKING LOT AT 130 N. 66TH STREET ON SEPTEMBER 4, 2003 FROM 4:00 P.M. TO 9:00 P.M. - Shannon Rowen, 5933 S. 81st Street, came forward stating she is with Eagle Entertainment and that there will be security and the staff serving alcohol has attended the alcohol servers class.

Chairman Camp asked if she was aware of the tent permit required? Ms. Rowen answered yes she had received a phone call on that.

This matter was taken under advisement.

APPLICATION OF SIDELINES DELI FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 100' BY 100' TO THE WEST OF SIDELINES DELI AT 1000 SAUNDERS AVE. ON SEPTEMBER 5, 2003 FROM 10:30 A.M. TO 1:00 A.M. - Craig Chesnut, 517 Anthony Lane and Mark Brouillett, 4022 D Street, came forward to answer any questions.

Annette McRoy, Council Member, asked what the event was for.

Mr. Brouillett stated they had just received a liquor license and this was to be an introduction to their business hosting alcohol.

This matter was taken under advisement.

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 186.7 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTH 84TH STREET BETWEEN OLD CHENEY ROAD AND PINE LAKE ROAD - DaNay Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Andermatt and Eiger Corp. owners of the property being proposed for annexation. She requested that this ordinance be delayed until 1/12/04.

Peter Katt, 1045 Lincoln Mall #350, came forward on behalf of Glenn Herbert who owns property directly north of the site of property owned by Andermatt and Eiger Corp. He has requested that the annexation not occur until sometime after the first of the year to allow for his plat to catch up with the entire process. None of the residents in this area are requesting the annexation. The Planning Department is requiring the annexation. Discussion followed.

Patte Newman, Council Member, asked Planning Department to explain why the City is bringing it forward & do they have an opinion on delaying it until 2004?

Ray Hill, Planning Department, stated that the annexation is in conformance with the comprehensive plan and timing is really the City Council's decision. Further discussion followed.

Roger Figard, Public Works and Utilities Department, stated the dollars are in place for this project to be completed in 2004. He stated he didn't feel the delay would be a problem for the roadway.

This matter was taken under advisement.

CHANGE OF ZONE 3412 - APPLICATION OF ANTELOPE PARK NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON

APPROXIMATELY 14 BLOCKS GENERALLY LOCATED BETWEEN SOUTH 27TH STREET AND THE ROCK ISLAND TRAIL, FROM SOUTH STREET TO A STREET - Gary Hejl, 1745 Jefferson Avenue, came forward representing the Antelope Park Neighborhood in support of this ordinance.

Bill and Cleha Price, 1810 Jefferson, came forward in support.

Craig Groat, came forward to read from the book of America Law of Zoning.

Mike Morosin, 2055 S St., asked if this would make it easier to dump on other neighborhoods that don't have the down zoning?

Kathleen Hejl, 1745 Jefferson Avenue, came forward in support and gave a report on the survey of support she conducted.

Teresa Blomstrom, 1826 Jefferson Avenue, came forward in support.

Charlie and Marsha Sybert, 1515 S. 28th Street, came forward in support.

Gary Hejl came forward to answer questions from the Council.

Ms. McRoy asked if this change of zone will prohibit certain activities such as group homes or health agencies.

Ray Hill, Planning Department, stated there is a difference of spacing in different zoning districts for congregate facilities.

Bob Van Valkenburg came forward to state there was a problem with the sound system.

This matter was taken under advisement.

CHANGE OF ZONE 3385 - APPLICATION OF VIC AND KATHLEEN HANNAN FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 66TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/03R-229, 03R-230);

APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR STREET TREES AND SIDEWALKS ALONG PINE LAKE ROAD WITHIN HANNAN ADDITION GENERALLY LOCATED AT SOUTH 66TH STREET AND PINE LAKE ROAD. **(IN CONNECTION W/03R-230, 03-132)**

APPROVING THE FINAL PLAT OF HANNAN ADDITION CONSISTING OF TWO LOTS FOR RESIDENTIAL DEVELOPMENT AND RELEASING THE RELINQUISHMENT OF ACCESS TO PINE LAKE ROAD ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 66TH STREET AND PINE LAKE ROAD. **(IN CONNECTION W/03R-229, 03-132)**

Peter Katt, 1045 Lincoln Mall #350, came forward on behalf of Vic and Kathleen Hannan and stated that the issue of the access off of Pine Lake Road has been proposed to co-locate with the church driveway when Pine Lake Road is widened. Discussion followed.

Roger Figard, Public Works and Utilities, came forward asking the Council to deny the final plat because of the access issue. He said for years they have had a long standing policy of development & conversion into an urban environment to deny direct access to arterial streets for safety & capacity reasons. Discussion followed.

Brian Wills, Planning Department, stated the waiver is a modification because the street trees are already there so this relieves them from the responsibility of planting anymore or replacing any.

Mr. Figard said that they would recommend that the sidewalks be put in as part of the project. The homeowners would not bear the cost of the sidewalks at this time.

Craig Groat, 4935 Huntington Avenue, asked for visual images during presentations from Planning Department. He was not in favor of the waiver.

Peter Katt came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$180,000,000 CITY OF LINCOLN, NEBRASKA LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS, THIRD SERIES 2003 - Keith Brown, Lincoln Electric System, came forward to outline their plans for this issue. He asked to have 2nd and 3rd reading today because of the change in the long term market. Lauren Wismer, Bond Manager was also present. Discussion followed.

Bob Van Valkenburg, 7921 Reno Rd., asked what the effect of these bonds were going to be on the citizens of Lincoln?

This matter was taken under advisement.

APPLICATION OF UNITED WAY OF LINCOLN & LANCASTER COUNTY TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM SEPTEMBER 12, 2003 THROUGH DECEMBER 18, 2003 - Marijo Daum, 429 C Street, came forward representing the United Way and to answer any questions.

Bob Van Valkenburg, 7921 Reno Rd., asked what was being raffled off? A copy of the raffle ticket was presented to him.

This matter was taken under advisement.

SPECIAL PERMIT 421D - APP. OF FRANK AND JOAN RALL TO AMEND THE CARRIAGE HILL 4TH COMMUNITY UNIT PLAN TO RETAIN THE EXISTING SINGLE FAMILY DWELLING AND TO ALLOW THE CONSTRUCTION OF FOUR TWO-FAMILY STRUCTURES, WITH REQUESTS TO WAIVE SIDEWALK, STREET TREE AND LANDSCAPE SCREENING DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED AT 81ST AND A STS. (8/18/03-P.H. & ACTION CON'T. 1 WK TO 8/25/03)- J. D. Burt, Design Assocs., 1609 N St., came forward to state that he was in agreement with the amendment adding conditions of approval d and e to section 2.

Craig Groat, 4935 Huntington Avenue, stated there should be no waivers requested.

Greg Czaplewski, Planning Department, came forward to further explain the modification of the waiver. Discussion followed.

This matter was taken under advisement.

COMBINED PRE-EXISTING USE PERMIT/SPECIAL PERMIT 10A - APP. OF FLOWERVUE ASSOCIATES TO REDUCE SETBACKS DUE TO THE RIGHT-OF-WAY ACQUISITION ALONG O ST. AND N. 66TH ST. (8/18/03 - P.H. & ACTION CON'T. 1 WK TO 8/25/03) - Tom Cajka, Planning Department, requested that the sentence "The surety to be posted with the letter of acceptance" be added to the conditions of approval of #2 of the resolution.

Kimberly Carbullido, 260 Regency Parkway, came forward representing Flowervue Associates stating an agreement had been reached with the city.

This matter was taken under advisement.

AUTHORIZING THE USE OF PUBLIC RIGHT-OF-WAY BY THE UNIVERSITY OF NEBRASKA CENTER FOR GREAT PLAINS STUDIES TO PERMANENTLY PLACE A 7-FOOT SCULPTURE IN THE PUBLIC RIGHT-OF-WAY ON THE EAST SIDE OF THE GREAT PLAINS CENTER AT 12TH AND Q STREET - Jim Stubbendieck, 7651 Kennelley Drive, representing the Center of Great Plains Study, discussed the Lewis and Clark Sculpture to be placed in the right-of-way at 12th and Q Street.

Reece Summers, 3836 Dudley Street, stated the Lewis and Clark sculpture was done by George Lundeen a native Nebraskan.

Ms. McRoy stated that the maintenance of this sculpture would be the responsibility of the Center of Great Plains Study and that the city would be leasing the right-of-way for the placement of the sculpture.

Mr. Stubbendieck stated they would be seeking funding from the state. Discussion followed.

Craig Groat, 4935 Huntington Avenue, came forward against the placing of the statute downtown.

Bob Van Valkenburg, 7921 Reno Road, questioned the number of stars and stripes on the flag that is part of the statute.

Mike Morosin, 2055 S St., asked why this statute couldn't be placed on University property instead of a city right-of-way?

Mr. Stubbendieck stated that the Great Plains is to study the people and the environment of the great plains and there was a time in history that there was a flag with 15 stripes and 15 stars.

This matter was taken under advisement.

AUTHORIZING GORDON GILMORE D/B/A CHIPOTLE MEXICAN GRILL TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 232 NORTH 13TH STREET FOR USE AS A SIDEWALK CAFÉ - Steve Henderson, 14344 Y Street, Omaha, NE, an architect from Omaha came forward to answer any questions.

Jeff Cole, Urban Development, to state the sidewalk café permit has been approved. Discussion followed.

This matter was taken under advisement.

APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR A PUBLIC WATER DISTRIBUTION SYSTEM AND MINIMUM RIGHT-OF-WAY WIDTH ON PROPERTY GENERALLY LOCATED AT STOCKWELL STREET AND SOUTH FOLSOM STREET IN BRAUN ADDITION - Brent Braun, 3921 S. Folsom, came forward to appeal his case of the required 3 for 1 limit on length versus width when he decides to subdivide his property one day because his property does not meet these requirements.

This matter was taken under advisement.

APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR A PUBLIC WATER DISTRIBUTION SYSTEM AND SANITARY SEWER ON PROPERTY GENERALLY LOCATED AT OLD CHENEY ROAD AND HICKORY CREST ROAD IN BECK & OLDFATHER ADDITION - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Diane Oldfather, Robert and Holly Beck. They are requesting they wait until someone goes into the development business and splits lots for development to put in a water & sewer distribution system and in the meantime let the acreages there continue to use the septic and well systems.

This matter was taken under advisement.

APPROVING THE REAL ESTATE SALES AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION AND WOODS BROTHERS REALTORS FOR THE ACQUISITION OF PROPERTY LOCATED AT 805 H STREET - Craig Groat, 4935 Huntington Avenue, stated there are specific legal requirements for the sale/transfer of city property. (He thought this was the sale of city property rather than the city acquiring property.)

This matter was taken under advisement.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S SOLID WASTE MANAGEMENT AND DISPOSAL SYSTEM FROM THE PROCEEDS OF THE CITY OF LINCOLN, NEBRASKA SOLID WASTE MANAGEMENT REVENUE BONDS - Don Herz, Finance Director, came forward to explain this resolution would allow the city to pay for any expenses occurred from the time this resolution is approved to the time the bonds are issued.

Lauren Wismer, Gilmore & Bell, stated this resolution is desirable from the standpoint of codes and regulations.

Mr. Camp asked if there was a dollar value of those expenses to date and the face amount of the bonds to be issued.

Mr. Herz stated that the C.I.P. anticipated upwards of approximately \$4,000,000.00. The expenses may be around \$100,000.00.

Craig Groat, 4935 Huntington Avenue, stated it was critically important that what is on the agenda be spelled out clearly in a manner that is not misunderstood.

This matter was taken under advisement.

ADOPTING THE 2003-2004 ANNUAL OPERATING BUDGET & CAPITAL IMPROVEMENT PROGRAM FY 2003/04 - 2008/09 - Bob Van Valkenburg, 7921 Reno Road, came forward in support of.

Craig Groat, 4935 Huntington Avenue, stated that the increased rate of parking meters has caused less revenue because not as many people are using the parking meters.

This matter was taken under advisement.

TOOK BREAK 3:34 P.M.

RECONVENED 3:44 P.M.

MISCELLANEOUS BUSINESS

Roger Dorffler, came forward to ask what the increased revenue from the wheel tax was being used for and feels it is not being used for the improvement of the streets as it was intended.

Roger Figard, Public Works & Utilities, came forward to answer some of the questions asked by Mr. Dorffler.

Bob Van Valkenburg, 7921 Reno Road, came forward to question the bidding process for towing contracts. He stated Capitol Towing has had a contract with the city since 1996. He wants this matter referred to the Police Department for investigation of criminal action.

Jane Kinsey, 6703 Hawkins Bend, came forward to thank the City Council for voting down the two proposed tax increases. She feels that the infrastructure situation is overblown as far as the money needed for this. She says many people in Lincoln feel this way and are not anti-growth, but interested in having their dollars spent carefully and wisely. She feels instead of promoting the growth of the city they should try to address the many retail & commercial buildings that are empty within the city. As far as promoting jobs in Lincoln she feels

the jobs are going to go overseas because of cheap labor.

Ed Patterson, 2108 Q Street, talked on the subject of war and politics.

Craig Groat, 4935 Huntington Avenue, stated that it was in the City Charter that a CPA is to conduct an end of the year fiscal audit. He, also, stated the City Charter reads that when a holiday falls on the day of the regular City Council meeting it shall be held on the following Tuesday.

Mike Morosin, 2055 S St., stated he feels the contract with Fred Briggs, a former city employee, is unethical and a conflict of interest.

This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF EAGLE ENTERTAINMENT L.L.C. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 30' BY 45' IN THE B & R STORES PARKING LOT AT 130 N. 66TH STREET ON SEPTEMBER 4, 2003 FROM 4:00 P.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82279 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Eagle Entertainment L.L.C. for a Special Designated License to cover an area measuring 30 feet by 45 feet in the B & R Stores parking lot at 130 N. 66th Street, Lincoln, Nebraska, on the 4th day of September, 2003, between the hours of 4:00 p.m. and 9:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. Submit and comply with a tent permit as required by the Fire Inspections Bureau.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced Glenn Friendt

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF SIDELINES DELI FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 100' BY 100' TO THE WEST OF SIDELINES DELI AT 1000 SAUNDERS AVE. ON SEPTEMBER 5, 2003 FROM 10:30 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82280 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Sidelines Deli for a Special Designated License to cover an area measuring 100 feet by 100 feet to the west of Sidelines Deli at 1000 Saunders Ave., Lincoln, Nebraska, on the 5th day of September, 2003, between the hours of 10:30 a.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.

4. Responsible alcohol service practices shall be followed.
BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.
Introduced by Glenn Friendt
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 186.7 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTH 84TH STREET BETWEEN OLD CHENEY ROAD AND PINE LAKE ROAD - PRIOR to reading:

WERNER Moved to continue public hearing to 1/12/04.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK read the following ordinance, introduced by Patte Newman, amending the Lincoln Corporate limits map by annexing approximately 186.7 acres of property generally located east of South 84th Street between Old Cheney Road and Pine Lake Road, the second time.

CHANGE OF ZONE 3412 - APPLICATION OF ANTELOPE PARK NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON APPROXIMATELY 14 BLOCKS GENERALLY LOCATED BETWEEN SOUTH 27TH STREET AND THE ROCK ISLAND TRAIL, FROM SOUTH STREET TO A STREET - CLERK read the following ordinance, introduced by Patte Newman, Change of Zone 3412 - application of Antelope Park Neighborhood Association for a Change of Zone from R-4 Residential to R-2 Residential on approximately 14 blocks generally located between South 27th Street and the Rock Island Trail, from South Street to A Street, the second time.

CHANGE OF ZONE 3385 - APPLICATION OF VIC AND KATHLEEN HANNAN FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 66TH STREET AND PINE LAKE ROAD. (03R-229, 03R-230)(Request for 2nd & 3rd Reading on 8/25/03) - PRIOR to reading:

SVOBODA Moved to waive the rules to have 2nd and 3rd readings this date.

Seconded by McRoy & LOST by the following vote: AYES: Svoboda; NAYS: Camp, Cook, Friendt, McRoy, Newman, Werner.

CLERK read the following ordinance, introduced by Patte Newman, Change of Zone 3385 - Application of Vic and Kathleen Hannan for a Change of Zone from AGR Agricultural Residential to R-1 Residential on property generally located northeast of the intersection of South 66th Street and Pine Lake Road, the second time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$180,000,000 CITY OF LINCOLN, NEBRASKA LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS, THIRD SERIES 2003. (Request 2nd & 3rd Readings on 8/25/03) - PRIOR to reading:

MCROY Moved to waive the rules to have 2nd and 3rd readings this date.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK read the following ordinance, introduced by Patte Newman, authorizing the issuance of not to exceed \$180,000,000 City of Lincoln, Nebraska Lincoln Electric System Revenue and Refunding bonds, third series 2003, the second time. **(SEE COUNCIL ACTION UNDER "ORDINANCES - 3RD READINGS")**

RESOLUTIONS

APPLICATION OF BLESSED SACRAMENT CHURCH TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM SEPTEMBER 6, 2003 THROUGH OCTOBER 12, 2003 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82281 WHEREAS, Blessed Sacrament Church has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of

Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Blessed Sacrament Church to conduct a lottery in the City of Lincoln in accordance with the application filed by Fr. John Sullivan. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF UNITED WAY OF LINCOLN & LANCASTER COUNTY TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM SEPTEMBER 12, 2003 THROUGH DECEMBER 18, 2003 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82282 WHEREAS, United Way of Lincoln & Lancaster County has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to United Way of Lincoln & Lancaster County to conduct a raffle in the City of Lincoln in accordance with the application filed by Marjo M. Daum. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 421D - APP. OF FRANK AND JOAN RALL TO AMEND THE CARRIAGE HILL 4TH COMMUNITY UNIT PLAN TO RETAIN THE EXISTING SINGLE FAMILY DWELLING AND TO ALLOW THE CONSTRUCTION OF FOUR TWO-FAMILY STRUCTURES, WITH REQUESTS TO WAIVE SIDEWALK, STREET TREE AND LANDSCAPE SCREENING DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED AT 81ST AND A STS. (8/18/03-P.H. & ACTION CON'T. 1 WK TO 8/25/03) - PRIOR to reading:

FRIENDT Moved to accept to amend Bill No. 03R-218 on page 2, after line 20, by inserting the following paragraphs d and e: d. The Permittee must submit an executed agreement with Carriage Park, Inc. authorizing the use of and connection to the existing private sanitary sewer and private drive located within the Carriage Park, C.U.P. and e: In the event an agreement with Carriage Park, Inc. that authorizes connection to the private sanitary sewer and /or private driveway is not executed, an alternate sanitary sewer alignment to Hickory Lane and access must be approved by the City.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

A-82283 WHEREAS, Frank and Joan Rall have submitted an application

designated as Special Permit No. 421D for authority to amend Carriage Hill 4th Community Unit Plan to retain the existing single family dwelling and to allow the construction of four two-family structures with requests to waive sidewalk and street tree land subdivision ordinance requirements and to waive landscape screening design standards on property located at 81st Street and A Street, and legally described to wit:

Lots 1 - 8, Block 1, and Lots 1 - 6, Block 2, and Lots 1 - 10, Block 3, and Lots 1 - 6, Block 4, and Lots 1 - 7, Block 5, and Lots 1 - 2, Block 6, and Outlots A, B, C, D, E, G, and I, Carriage Hill 2nd Addition; and Lots 1 - 12, Block 1, and Outlot A, Carriage Hill 3rd Addition; and Lot 58 of Irregular Tracts, all located in the Southeast Quarter of Section 27, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska; said tract contains 13.59 acres, more or less;

WHEREAS, the Lincoln - Lancaster County Planning Commission recommended denial of the requested sidewalk and street tree waivers and found the requested waiver of landscape screening to be inapplicable to this application; and

WHEREAS, the real property adjacent to the area included within the site plan for this amended community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Frank and Joan Rall, hereinafter referred to as "Permittee", to amend Carriage Hill 4th Community Unit Plan to retain the existing single family dwelling and to allow the construction of four two-family structures, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the extension of the Carriage Hill Community Unit Plan to allow an additional single family structure, four two-family structures, and the extension of an existing private driveway, private sanitary sewer, and public water main to serve these units.

2. Before receiving building permits:

a. The Permittee must submit a revised and reproducible final plan and five copies.

b. The construction plans must conform to the approved plans.

c. Final Plats within the area of this community unit plan must be approved by the City, except that final plats that conform to LMC § 26.11.015 may be approved administratively by the Planning Director.

d. The Permittee must submit an executed agreement with Carriage Park, Inc. authorizing the use of and connection to the existing private sanitary sewer and private drive located within the Carriage Park C.U.P.

e. In the event an agreement with Carriage Park, Inc. that authorizes connection to the private sanitary sewer and/or private driveway is not executed, an alternate sanitary sewer alignment to Hickory Lane and access must be approved by the City.

3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.

4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors,

and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

COMBINED PRE-EXISTING USE PERMIT/SPECIAL PERMIT 10A - APP. OF FLOWerview ASSOCIATES TO REDUCE SETBACKS DUE TO THE RIGHT-OF-WAY ACQUISITION ALONG O ST. AND N. 66TH ST. (8/18/03 - P.H. & ACTION CON'T. 1 WK TO 8/25/03)- PRIOR to reading:

COOK Moved to add to page 2, line 23, The surety to be posted with the letter of acceptance.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82284 WHEREAS, Flowerview Associates has submitted an application in accordance with Sections 27.37.070, and 27.63.030 of the Lincoln Municipal Code designated as Combined Use Permit/Special Permit No. 10A for authority to reduce the 50' front yard setback for Pad 1 to 37', Pad 4 to 44', and a portion of Pad 6 to 33' along O Street and North 66th Street, and legally described to wit:

Lot 260, Irregular Tracts, in the Southeast Quarter of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at a point 33.0 feet easterly and 590.00 feet northerly from the intersection of the centerline of 66th Street with the centerline of O Street; thence on an assumed bearing of north 0 degrees 07 minutes 01 seconds west, a distance of 7722.69 feet to the centerline of the channel of Dead Man's Run; thence south 83 degrees 07 minutes 01 seconds east, a distance of 445.00 feet to a point of curvature; thence on a curve to the right, whose chord bears south 70 degrees 29 minutes 44 seconds east, and whose chord length of 312.99 feet, to a point on a line midway between the centerline of 66th Street and the east line of said Southeast Quarter; thence south 0 degrees 03 minutes 31 seconds east, with the east line of Lot 199 I.T., a distance of 1147.63 feet to a point 55.0 feet northerly from the south line of the said Southeast Quarter; thence south 89 degrees 49 minutes 34 seconds west, a distance of 440.0 feet; thence north 0 degrees 07 minutes 01 seconds west, a distance of 55.0 feet; thence south 89 degrees 49 minutes 34 seconds west, a distance of 33.2 feet; thence north 0 degrees 07 minutes 01 seconds west, a distance of 185.0 feet; thence westerly parallel with the south line of the said Southeast Quarter, a distance of 254.25 feet to a point 40.75 feet easterly from the centerline of 66th Street; thence northerly parallel with and 40.75 feet easterly from the centerline of 66th Street, a distance of 122.5 feet; thence northwesterly, a distance of 172.59 feet to a point 35.0 feet easterly, from the centerline of 66th Street; thence westerly, a distance of 2.0 feet, to the point of beginning, containing 19.65 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this adjustment to the front yard setbacks will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of

Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Flowerview Associates, hereinafter referred to as "Permittee", for authority to reduce the 50' front yard setback for Pad 1 to 37', Pad 4 to 44', and a portion of Pad 6 to 33' along O Street and North 66th Street on the property legally described above be and the same is hereby granted under the provisions of Sections 27.37.070, and 27.63.630 of the Lincoln Municipal Code upon condition that construction and operation of the amended Use Permit be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a reduction in the 50' front yard setback for Pad 1 to 37', Pad 4 to 44', and a portion of Pad 6 as shown on the site plan to 33'.

2. The Permittee must submit a surety to guarantee the landscaping south of Pad 1, in an amount to be determined by the Parks and Recreation Department. The surety to be posted with the letter of acceptance.

3. All development and construction must be completed in conformance with the approved plans.

4. All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPOINTING MARLENE CUPP TO THE LINCOLN LIBRARY BOARD OF TRUSTEES FOR A 7-YEAR TERM EXPIRING AUGUST 31, 2010 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82285 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Marlene Cupp to the Lincoln Library Board of Trustees for a seven-year term expiring August 31, 2010 is hereby approved.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Cook, McRoy, Newman, Svoboda, Werner; NAYS: Camp, Friendt.

AUTHORIZING THE USE OF PUBLIC RIGHT-OF-WAY BY THE UNIVERSITY OF NEBRASKA CENTER FOR GREAT PLAINS STUDIES TO PERMANENTLY PLACE A 7-FOOT SCULPTURE IN THE PUBLIC RIGHT-OF-WAY ON THE EAST SIDE OF THE GREAT PLAINS CENTER AT 12TH AND Q STREET - PRIOR to reading:

SVOBODA Moved to amend Bill No. 03R-225 on page one, line 18 delete "September 16 through November 30, 1996" and insert in lieu thereof

"September 11, 2004 to September 11, 2005".

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

A-82286 WHEREAS, the University of Nebraska's Center for Great Plains Studies has submitted an application pursuant to Chapter 14.56 of the Lincoln Municipal Code to use a portion of the public right-of-way on the east side of their building at 12th and Q Streets for the placement of a work of art (sculpture); and

WHEREAS, said application has been reviewed by the Public Works Department and the Urban Design Committee which have recommended approval of said application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of the University of Nebraska's Center for Great Plains Studies, hereinafter referred to as Permittee, for a permit to install a 7' piece of art (sculpture) upon a portion of the public right-of-way along 12th Street at Q Street is approved pursuant to Chapter 14.56 of the Lincoln Municipal Code subject to the following conditions:

a. That such space shall only be used for the work of art specified on the permit in accordance with the requirements of Chapter 14.56.

b. That such use is temporary and that the user requires no right, title, or interest in the space permitted to be used. In particular, this permit authorizes the sculptures to be in the public right-of-way from ~~September 16 through November 30, 1996~~ September 11, 2004 to September 11, 2005.

c. That the space granted hereunder shall be vacated upon demand by the City Council and its use discontinued by the Permittee, with no recourse against the City for any loss or damage occasioned by any such requirement.

d. That if any such space not be vacated and such use not be discontinued by the time specified, the City may remove from such space any work left thereon at the risk and expense of the Permittee.

e. That the permit issued pursuant to this Section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

f. No advertising shall be permitted on any work of art except to identify the work, the name of the artist, and donor of the work of art, and shall in all respects comply with the provisions of Titles 22 and 27 of this Code regulating signage.

g. The work of art shall be located only in the exact location described in the application.

h. The Permittee shall be responsible for any damage or repairs to public property caused by the installation or removal of any work of art.

i. All installations shall be under the supervision of the City Sidewalk Inspector and the City Sidewalk Inspector shall determine the method of placement of the work of art or any supporting, anchoring, or enclosing structure for the work of art requiring placement in the sidewalk or other right-of-way surface.

j. The Urban Development Department shall monitor the condition of the work of art. The Permittee shall be responsible for properly maintaining the work of art so as to preserve its quality and value.

k. The Permittee shall be responsible for any authorized removal or pruning of trees or shrubs and such work shall only be done by a licensed and insured arborist.

The Permittee shall sign and return the City's letter of acceptance to the City Clerk prior to placement of the works of art in the public right-of-way.

Introduced by Ken Svoboda

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

AUTHORIZING GORDON GILMORE D/B/A CHIPOTLE MEXICAN GRILL TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 232 NORTH 13TH STREET FOR USE AS A SIDEWALK CAFÉ - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82287 WHEREAS, Chipotle Mexican Grill, Inc. has submitted an application for a Sidewalk Café Permit to use a portion of the public right-of-way at 232 North 13th Street as a sidewalk café; and

WHEREAS, the applicant is willing to comply with all of the provisions of Chapter 14.50 of the Lincoln Municipal Code pertaining to such use; and

WHEREAS, the application has been reviewed by the Planning Department, the Public Works and Utilities Department, and the Urban Design Committee, each of which has submitted a report in conformance with § 14.50.050 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Chipotle Mexican Grill, Inc., hereinafter referred to as "Permittee", to operate a sidewalk café in a portion of the public right-of-way at 232 North 13th Street is hereby approved conditioned upon such use conforming to the application which is attached hereto as Exhibit "A", the site plan which is attached hereto as Exhibit "B", the provisions of Chapter 14.50 of the Lincoln Municipal Code and the following express terms, conditions, and requirements:

1. This permit authorizes a maximum seating capacity of 11 within the permit area as shown on the site plan.

2. Permittee shall maintain a clear, unobstructed passageway entirely across the frontage of the property occupied by the Permittee parallel to the line of the street and generally in the line of pedestrian traffic as shown on the site plan.

3. The permit area shall be separated from the pedestrian passageway with a fence or other rigid barrier having a minimum height of 36" but not greater than 60" except for necessary pedestrian ingress and egress as shown in the application.

4. The space to be occupied by this use shall only be used for the activity or activities specified on the permit and in accordance with all applicable regulations.

5. Such use is temporary and the Permittee, by the granting of this permit, acquires no right, title, or interest in the space permitted to be used.

6. The City Council may require such space to be vacated, restored to its prior condition upon demand, and its use discontinued, with no recourse against the City for any loss or damage occasioned thereby. If any such space is not vacated and restored to its prior condition and such use not discontinued by the time specified, the City may remove from such space any property left thereon at the risk and expense of the Permittee and restore such space to its prior condition at the expense of the Permittee.

7. The Permittee shall promptly remove any litter deposited on or in the vicinity of the space used by the Permittee resulting from the activity or activities conducted by the Permittee.

8. The Permittee shall at all times conduct their use of the space in an orderly fashion and in such a manner as to protect the public health and safety.

9. Such space shall be used for business purposes by Permittee only between the hours of 11:00 a.m. to 10:00 p.m., Sunday through Saturday.

10. The Permittee shall comply with all health and sanitation regulations.

11. The permit issued pursuant to this section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

12. Where exigent circumstances exist and a police officer or other authorized officer or employee of the City gives notice to Permittee to temporarily move from a location, Permittee shall comply with the notice. Exigent circumstances shall include, but not be limited to, unusually heavy pedestrian vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire, or other emergency situation at or near such location, or parade, demonstration, or other such event or occurrence at or near such location.

13. Permittee shall not sound or permit the sounding of any signal from any stationery bell, chime, siren, whistle, or device for non-emergency purposes or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device which may be heard beyond 50 feet from its source.

14. No advertising shall be permitted on or in the sidewalk café except to identify the product or vendor and shall in all respects comply with the provisions of Titles 22 and 27 of the Lincoln Municipal Code regulating signage.

15. Any umbrella, canopy, or similar device within the permit

area shall be no more than 6½ feet above ground level.

16. The sidewalk café shall be located only in the exact location described in the approved application, and the approved furnishings may not be modified or substituted.

17. The Permittee shall at all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000 aggregate for any one occurrence, and shall at all times keep on file with the City Clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska evidencing the existence of valid and effective policies of insurance naming the City as an additional insured for the coverage required above, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring 30 days notice by mail to the City Clerk before the insurer may cancel the policy for any reason, and upon request of the City Clerk or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination or elapse of such insurance shall automatically revoke this permit.

18. This permit shall expire on the 31st day of May following its issuance, but renewal of the permit may be made for one-year periods by application to the City Clerk and payment of the annual permit fee as set forth in Chapter 14.50 and the payment of the rental for the use or occupation of the space computed as follows: \$.25 per annum for each square foot of the permit area (562 square feet) for an annual rental of \$140.50; provided, however, said rental may be increased for future years by action of the City Council.

19. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall execute the letter of acceptance attached hereto and marked as Exhibit "C". Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Ken Svoboda

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR A PUBLIC WATER DISTRIBUTION SYSTEM AND MINIMUM RIGHT-OF-WAY WIDTH ON PROPERTY GENERALLY LOCATED AT STOCKWELL STREET AND SOUTH FOLSOM STREET IN BRAUN ADDITION - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82288 WHEREAS, the Administrative Final Plat of Braun Addition has been submitted to the City of Lincoln for approval by the Planning Director; and

WHEREAS, the Planning Director's conditions of approval of said Administrative Final Plat include the requirements that the subdivider install water mains, dedicate additional right-of-way to meet the required 30-foot right-of-way width from the centerline of West Stockwell Street, and that each lot have a maximum lot depth of three times its width within said Administrative Final Plat; and

WHEREAS, the subdivider has requested a modification to waive said requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

1. The requirement of Section 26.27.030 of the Lincoln Municipal Code that a water distribution system be constructed to serve the final plat is waived until such time as any lot within the subdivision is further subdivided.

2. The requirement of Section 26.23.040 of the Lincoln Municipal Code that the width of all streets shall conform to the widths prescribed in Table 26.23.040(b) is hereby waived until such time as West Stockwell Street is improved; provided the subdivider enters into a

subdivision agreement with the City of Lincoln whereby subdivider agrees to dedicate, at no cost to the City, the additional 30 feet of right-of-way to meet the required 30-foot of right-of-way width from the centerline of West Stockwell Street when it is improved.

BE IT FURTHER RESOLVED that nothing herein shall be construed to preclude the City Council from ordering the construction of said water distribution system in said location at any time in the future upon proper notice to the owner, his successors or assigns.

All other conditions for approval of the Administrative Final Plat of Braun Addition shall remain in full force and effect.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR A PUBLIC WATER DISTRIBUTION SYSTEM AND SANITARY SEWER ON PROPERTY GENERALLY LOCATED AT OLD CHENEY ROAD AND HICKORY CREST ROAD IN BECK & OLDFATHER ADDITION - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82289 WHEREAS, the Administrative Final Plat of Beck & Oldfather Addition has been submitted to the City of Lincoln for approval by the Planning Director; and

WHEREAS, the Planning Director's conditions of approval of said Administrative Final Plat required that the subdivider install water mains and sanitary sewers within said Administrative Final Plat; and

WHEREAS, the subdivider has requested a modification to waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

The requirements of Sections 26.27.030 and 26.27.040 of the Lincoln Municipal Code that a water distribution system and a wastewater collection system, respectively, be installed within said plat, are hereby waived; provided the subdivider agrees to enter into a subdivision agreement with the City of Lincoln whereby subdivider agrees to connect to the City's water and sanitary sewer systems if the properties are further subdivided.

BE IT FURTHER RESOLVED that nothing herein shall be construed to preclude the City Council from ordering the construction of a water distribution system and wastewater collection system to serve said plat at any time in the future upon proper notice to the owners, their successors or assigns.

All other conditions for approval of the Administrative Final Plat of Beck & Oldfather Addition shall remain in full force and effect.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR STREET TREES AND SIDEWALKS ALONG PINE LAKE ROAD WITHIN HANNAN ADDITION GENERALLY LOCATED AT SOUTH 66TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/03R-230, 03-132) - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-229 for one week to 9/8/03.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING THE FINAL PLAT OF HANNAN ADDITION CONSISTING OF TWO LOTS FOR RESIDENTIAL DEVELOPMENT AND RELEASING THE RELINQUISHMENT OF ACCESS TO PINE LAKE ROAD ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 66TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/03R-229, 03-132) - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-229 for one week to 9/8/03.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING THE REAL ESTATE SALES AGREEMENT BETWEEN THE PUBLIC BUILDING
COMMISSION AND WOODS BROTHERS REALTORS FOR THE ACQUISITION OF PROPERTY
LOCATED AT 805 H STREET - CLERK read the following resolution,
introduced by Ken Svoboda, who moved its adoption:

A-82290 WHEREAS, the Public Building Commission has entered into a Real
Estate Sales Agreement with Woods Brothers Realtors, for the purchase of
the north 60 feet of the west 11 feet of Lot 5 and north 60 feet of Lot
6, Block 145, Original Plat of City of Lincoln, Lancaster County, also
known as 805 "H" Street; and

WHEREAS, title to this property will be held in the name of the
City of Lincoln, a municipal corporation, and the County of Lancaster,
Nebraska, a political subdivision of the State of Nebraska, for the
Public Building Commission as authorized by Neb. Rev. Stat. §13-1304(4);
and

WHEREAS, the property shall be used for additional parking for the
County and the City which is the same purpose for which the bonds are
being issued; and

WHEREAS, the money for this acquisition will come from the parking
garage bonds approved and authorized by Ordinance No. 18035, passed by
the City Council on July 15, 2002.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Lincoln, Nebraska, and the Board of County Commissioners of the County
of Lancaster, Nebraska that the attached Real Estate Sales Agreement for
the acquisition of 805 "H" Street with funding for the purchase to come
from the parking garage bond fund is hereby approved.

Introduced by Ken Svoboda

Seconded by Friendt & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN
CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE
CITY'S SOLID WASTE MANAGEMENT AND DISPOSAL SYSTEM FROM THE PROCEEDS OF
THE CITY OF LINCOLN, NEBRASKA SOLID WASTE MANAGEMENT REVENUE BONDS -
CLERK read the following resolution, introduced by Ken Svoboda, who
moved its adoption:

A-82291 A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF
LINCOLN, NEBRASKA (THE "CITY") UNDER THE INTERNAL REVENUE CODE OF 1986,
AS AMENDED, TO BORROW MONEY BY THE ISSUANCE OF SOLID WASTE MANAGEMENT
REVENUE BONDS BY THE CITY TO REIMBURSE THE COSTS OF CONSTRUCTING,
ACQUIRING, EQUIPPING AND FURNISHING IMPROVEMENTS TO THE CITY'S SOLID
WASTE MANAGEMENT FACILITIES.

BE IT RESOLVED by the City Council (the "**Council**") of the City of
Lincoln, Nebraska (the "**City**") as follows:

Section 1. Findings.

(a) It is necessary, desirable, advisable and in the best
interest of the City and its citizens that certain additions,
extensions and other improvements to the City's solid waste
management and disposal system (the "**System**") be acquired and
constructed (the "**Project**").

(b) To pay the costs of acquiring, constructing, equipping
and furnishing the Project, the City will issue its Solid Waste
Management Revenue Bonds (the "**Bonds**") in accordance with the
provisions of the City's Home Rule Charter and the Constitution
and laws of the State of Nebraska.

(c) It is necessary, desirable, advisable and in the best
interests of the City to begin work on the Project prior to the
issuance of the Bonds and the City anticipates expending funds in
the amount of \$4,000,000 for the Project.

(d) The Department of the Treasury has promulgated final
regulations (Treasury Regulations, Section 1.150-2, hereinafter
referred to as the "**Regulations**") governing the use of proceeds of
tax-exempt bonds, all or a portion of which are to be used to
reimburse the City for Project expenditures made prior to the date
of issuance of the Bonds which require that the City make a

statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditures. The Regulations generally require that the Bonds be issued and the reimbursement allocation be made from the proceeds of the Bonds within 18 months after the later of the date the expenditure is made or the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

(e) The Council has determined that it is necessary, desirable, advisable and in the best interest of the City that the requirement of the Regulations be satisfied to preserve the ability of the City to reimburse expenditures made with respect to the Project from funds of the City from and after the date of adoption of this Resolution from the proceeds of the Bonds.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of the Resolution and Section 1.150-2 of the Treasury Regulations, the Council does hereby declare the official intent of the City to borrow funds to pay the acquisition, installation and other related costs of the Project by the issuance of the Bonds by the City, the interest on which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the issuance of the Bonds, the City is authorized to advance moneys of the City in the amount of approximately \$4,000,000 for the purpose of paying a portion of the costs of constructing, acquiring, equipping and furnishing the Project.

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures constituting "preliminary expenditures" within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iii) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Project have been paid by the City more than 60 days prior to the date of execution and delivery of this Resolution.

(c) The reasonably expected source of funds to be used to pay debt service on the Bonds will be the net revenues of the System which shall be pledged to the payment of the principal of and interest on the Bonds.

(d) The Bonds shall be issued in such amount and upon such terms and conditions as may be agreed upon by the City and the purchaser or purchasers of the Bonds for the purpose of paying all or a portion of the costs and expenses incident to the acquisition and financing of the Project, the Bonds to be authorized by the Council at a meeting to be held for such purpose by the Council.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of the Bonds. This Resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an "Authorized Officer") be, and each of them is, authorized to take such further action as such Authorized Officer shall deem necessary or desirable without further action by the Council to carry out the transactions contemplated by this Resolution.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) The Authorized Officers shall be responsible for

making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the Project. Each allocation shall be evidenced by an entry on the official books of the City maintained for the Project and shall specifically identify the original expenditure being reimbursed.

Section 4. Ratification.

All acts and deeds heretofore done by any officer, employee or agent of the City on behalf of the City to preserve the ability of the City to reimburse expenditures made from and after the date of adoption of this Resolution with respect to the Project by the City through the issuance of the Bonds and other transactions contemplated by this Resolution are hereby ratified, confirmed and approved in all respects.

Section 5. Effective Dates.

This Resolution shall be in full force and effect from and after its passage and adoption by the Council.

Section 6. Conflicting Resolutions Repealed.

All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Ken Svoboda

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADOPTING THE 2003-2004 ANNUAL OPERATING BUDGET & CAPITAL IMPROVEMENT PROGRAM
FY 2003/04 - 2008/09 - PRIOR to reading:

FRIENDT Moved to add to the budget an internal auditor for \$50,000.00.

Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy, Newman, Werner.

FRIENDT Moved to amend the budget by taking \$70,000.00 from Miscellaneous and apply it to 911 for communications.

Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy, Newman, Werner.

FRIENDT Moved to have the City Council discretionary funds reinstated and taken from the contingency fund.

Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy, Newman, Werner.

CAMP Moved to add the amount of \$1,700.00 for City Council cable/internet service.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda; NAYS: Cook, Newman, Werner.

CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82292 WHEREAS, under the provisions of Section 25 and 25a of Article IX of the Charter of the City of Lincoln, the proposed annual budget for the City of Lincoln was submitted on July 7, 2003; and

WHEREAS, under the provisions of Section 26 of Article IX of the City Charter, a public hearing on the proposed budget was held on August 11, 2003 notice thereof having been published in one issue of the Lincoln Journal Star, a newspaper of general circulation in the City, more than five days before such hearing; and

WHEREAS, all necessary changes have been made as to revenue estimates and appropriation items.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska;

1. That pursuant to the provisions of Article IX of the Charter of the City of Lincoln, the budget for the fiscal year beginning September 1, 2003, a copy of which is hereto attached and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and the several sums therein set forth to be raised by the levy of a tax upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, the estimated balances on hand, the miscellaneous receipts and all other funds and receipts are hereby

appropriated for the several purposes therein stated. That all money received in any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

2. The City Council, by adoption of the Capital Improvement Program on Schedule 5 of this resolution, hereby authorizes the acquisition of all necessary right-of-way, easements, or other interest in land, by purchase if possible, by condemnation if necessary, for those projects included within the first year of said Capital Improvement Program.

3. Pursuant to Section 2 of L.B. 989 passed by the Second Session of the Ninety-Fifth Legislature, the City is authorized to increase budgeted restricted funds by the basic allowable growth percentage of the base (2.5%) and allowable growth due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year above 2.5% expressed in dollars and to utilize other lid exemptions authorized in L.B. 989. Such increase is hereby authorized to the extent necessary to generate the revenues to fund the budget, and any unused restricted funds authority is hereby authorized to be carried forward to future budget years.

4. Pursuant to the agreement for the provision of services related to the emergency medical care system in Lincoln, Nebraska, the annual budget for Emergency Medical Services, Inc. a copy of which is attached hereto, labeled Schedule 6, is hereby approved.

5. There is hereby appropriated all money now credited or which will be credited to any Internal Service Fund, Trust Fund, Agency Fund, and Enterprise Fund, now or heretofore created, notwithstanding any sum limitations set forth in the budget attached hereto.

6. There is hereby appropriated all money now credited or which will be credited to the Building and Safety Fund notwithstanding any sum limitation set forth in the budget attached hereto.

7. There is hereby appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest earned thereon, notwithstanding any sum limitations set forth in the budget attached hereto.

8. There is hereby appropriated all money received from the interest income on the investments of all authorized bond issue proceeds including bond anticipation notes for the purposes for which said bonds and notes have been authorized to be issued, notwithstanding any sum limitations set forth in the budget attached hereto.

9. There is hereby appropriated in the Worker's Compensation Loss Revolving Fund all amounts included in the budget for Worker's Compensation benefits, together with any recoveries on account of subrogation interests, from which fund all losses and costs incidental to the administration of such losses shall be paid, notwithstanding any sum limitations set forth in the budget attached hereto.

10. There is hereby appropriated to the credit of the Social Security Fund and Payroll Liability Account, in addition to the tax levied therefor, any money deducted from employees' salaries and wages together with any departmental contributions in non-tax supported funds, notwithstanding any sum limitations set forth in the budget attached hereto.

11. There is hereby appropriated all money now credited or which will be credited to the Self-Insured Health Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

12. There is hereby appropriated cash balances credited to the Health Care Fund, notwithstanding any sum limitation set forth in the budget attached hereto, for payment as needed to provide health care benefits to City employees.

13. There is hereby appropriated all money now credited or which will be credited to the Snow Removal Fund, notwithstanding any sum

limitation set forth in the budget attached hereto.

14. There is hereby appropriated all money now credited or which will be credited to the Vehicle Tax Construction Fund created by Section 3.20.220 of the L.M.C. (Vehicle Tax for street improvements) notwithstanding any sum limitation set forth in the budget attached hereto.

15. There is hereby appropriated all money now credited or which will be credited to the Unemployment Insurance Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

16. All receipts for on street parking meter collections are pledged toward the payment of bonds assigned for payment from the Parking Revenue Fund. Parking meter receipts in excess of those required to meet provisions of the bond covenants shall be credited to the General Fund up to the amounts budgeted.

17. There is hereby appropriated all money now credited or which will be credited to the Parking Lot Revolving Fund to be used for designing, acquiring, constructing, maintaining, repairing, regulating, supervising and policing of City owned parking lots and facilities in accordance with L.M.C. Chapter 10.34 and Chapter 10.36, notwithstanding any sum limitations set forth in the budget attached hereto.

18. There is hereby appropriated to the Street Construction Fund all monies received as the City's share of the Highway Allocation Fund and the Grade Crossing Protection Fund, together with any other Federal, State, and County funds, received for street construction purposes, any reimbursements and matching funds, including Federal Road Funds, all of which monies are hereby appropriated and reappropriated for all purposes as authorized by State laws pertaining to such funds, notwithstanding any sum limitations set forth in the budget attached hereto.

19. There is hereby appropriated in the Special Assessment Revolving Fund all monies in said fund for expenditures as authorized by Article VIII of the City Charter, Section 10a and all money received to the credit of the Special Assessment Revolving Fund including bond proceeds, grants, donations, special assessment collections, and City participation deemed necessary by the City Council, notwithstanding any sum limitations set forth in the budget attached hereto.

20. There is hereby appropriated all money now credited or which will be credited in the Advance Acquisition Fund as provided in Article IX B, Section 12 of the City Charter, notwithstanding any sum limitation set forth in the budget attached hereto.

21. There is hereby appropriated all money now credited or which will be credited to the 911 Communication Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

22. There is hereby appropriated all money now credited or which will be credited to the Auditorium Promotion Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

23. There is hereby appropriated all money now credited or which will be credited to the Arbitrage Rebate Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

24. There is hereby appropriated all money now credited or which will be credited to the Tax Sale Revolving Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

25. There is hereby appropriated all money now credited or to be credited in the City Aviation Promotion Fund as provided in Neb. Rev. Stat. Section 3-504.02 (1991), notwithstanding any sum limitation set forth in the budget attached hereto.

26. There is hereby appropriated KENO proceeds for mandated payments, and 1% for administrative fees.

27. There is hereby appropriated all money in the Cable Access Television Fund, notwithstanding any sum limitations set forth in the budget attached hereto.

28. There is hereby appropriated all monies now credited or which will be credited to the Community Improvement Financing Fund and all Tax Allocation Bond Debt Service funds, notwithstanding any sum limitations set forth in the budget attached hereto.

29. There is hereby appropriated all money now credited or which will be credited to the Disaster Recovery Fund, notwithstanding any sum limitation set forth in the budget attached hereto, for paying disaster related expenditures or for reimbursement to other City funds which have

made disaster related expenditures for which reimbursement from outside sources has been received or as otherwise appropriated.

30. There is hereby appropriated all money now credited or which will be credited to the Property Tax Refund Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

31. There is hereby appropriated all money now credited or which will be credited to the Title V Clean Air fund notwithstanding any sum limitation set forth in the budget attached hereto.

32. There is hereby appropriated all money now credited or which will be credited to the Impact Fees Fund notwithstanding any sum limitation set forth in the budget attached hereto.

33. There is hereby levied upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, upon each one hundred dollars of approximate market value thereof, taxes in an amount sufficient to generate funds for the purposes and in the amounts hereinafter named, to-wit:

	Appropriated	Total Tax As	Per \$100
	Amount-90%	Levied-100%	Market Value
General	\$19,407,035	\$21,563,372	0.16962
Library	5,567,423	6,186,025	0.04866
Bond and Interest			
Redemption	4,977,043	5,530,047	0.04350
Social Security	1,637,275	1,819,194	0.01431
Police & Fire Pension	1,705,924	1,895,471	0.01491

34. There is hereby authorized the transfer to the appropriate reserve accounts of all encumbrances, including accrued payroll, for the fiscal year ending August 31, 2003, together with any monies previously so reserved.

35. Any unexpended balance remaining in the Police and Fire Pension Fund is reappropriated pursuant to Lincoln Municipal Code, Chapters 2.62, 2.65 and 2.66, notwithstanding any sum limitation set forth in the budget attached hereto.

36. All previous capital appropriations are hereby continued and reappropriated pursuant to Section 27 of Article IX of the Charter of the City of Lincoln, except the unexpended balance remaining in any fully completed project shall be credited to the unappropriated surplus in the fund from which such project was funded.

37. There is hereby designated and appropriated General Fund cash balances in an amount equal to the debt service falling due during the fiscal year for the Golf Course Revenue Bonds issued in 2001 for the purpose of providing for the payment of the principal and interest on such bonds, as they become due, if and to the extent that amounts credited to the Golf Revenue Fund are insufficient and to the extent that such General Fund cash balances are available.

38. There is hereby created the Radio Maintenance Fund (#655) effective August 31, 2003. The cash balance on August 31, 2003 of the Radio Maintenance Business Unit (06015) in the Fleet Services Fund (#650) shall be transferred to the Radio Maintenance Fund (#655) effective August 31, 2003.

39. That the appropriations for the following items be transferred effective August 31, 2003:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 18002.5655	General Expense/Work Study	\$9,968
To: 09035.5022	Parks & Rec./"F" St. Rec. Ctr.	\$2,640
02017.5021	Mayor/Affirmative Action	\$7,328
From: 18002.5856	General Expense/City Share of Downtown Maint.	\$52,153.54
To: 413536.6137	Urb. Dev. Street Tree Replacement CIP Proj.	\$52,153.54
	(also increases 13001.9234 U.D. CIP Transf.)	
From: 09007.5325	Parks & Rec./NE Dist.	\$10,000
To: 409389.9237	NE Com. Park C.I.P. Proj.	\$10,000
	(also increases 09002.9237 CIP Transf.)	

40. That the cash for the following items be transferred effective August 31, 2003:

From: 79130.9220	Snow Removal Fund/Cash Transf. Out	\$362,000
To: 701800.9140	Cap. Proj. Fund/Sidewalk Program/Cash Transf. In	\$362,000
From: 09029.9220	Parks & Rec./Recreation Centers Admin.	\$9,000
To: 280112.9140	Urb. Revit. AmeriCorps Grant Match	\$9,000

From: 10007.9220 Personnel/Risk Mgmt./Property S.I.L. Fund \$200,000
To: 10009.9140 Personnel/Risk Mgmt./Ins. Prem. Fund \$200,000
From: 10007.9220 Personnel/Risk Mgmt./Property S.I.L. Fund \$153,000
To: 10008.9140 Personnel/Risk Mgmt./Liability S.I.L. Fund \$153,000
From: 04001.9220 Police/Management/Cash Transfers Out \$116,931
To: 225101.9140 Police/Victim Witness Grant \$44,156
225110.9140 Police/Bulletproof Vest Partnership Grant \$28,799
225100.9140 Police/Misc. Police Grants \$1,467
225103.9140 Police/D.W.I. Enforcement Grant \$3,454
225111.9140 Police/Traffic Enforcement Grant \$537
225102.9140 Police/Narcotics Grant \$38,518

41. That cash and appropriations up to the following amounts for the following items be transferred effective August 31, 2003:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 18002.5621	General Expense/Misc. Contractual Serv.	\$57,745.77
To: 406105.6132	Backup Comm. Center 911	\$57,745.77
From: 18002.5655	General Expense/Work Study	\$14,711.50
To: 10005.5021	Risk Management	\$5,547.50
12101.5021	Health/Director's Office	\$3,579
08002.5021	Building & Safety/Business Office	\$2,385
08006.5021	Building & Safety/Zoning Admin.	\$655
08003.5021	Building & Safety/Plan Review	\$2,545
From: 18002.9220	General Expense/Sidewalk Repairs & Maint,/ Cash Transf. Out	\$147,692
79140.9220	Pub. Wks./Util./Sts. & Hwys./Sidewalks/ Cash Transfer Out	\$247,225
To: 701800.9140	Cap. Proj. Fund/Sidewalk Program/Cash Transfer In	\$394,917

42. That the following unexpended appropriations are reappropriated effective August 31, 2003 up to the following amounts:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
01001.5989	City Council/Misc. Other Serv. & Charges	\$40,433
18002.5856	General Expense/City Share of Downtown Maintenance	\$13,800
18002.5659	JDE Financial System	\$34,648
18002.5962	General Expense/Election Expense	\$20,000
18002.5657	Gen. Exp./Hum. Serv./Cornhusker Place	\$54,280
18002.5632	Gen. Exp./Sys. Dev. - I.S. (Personnel Applicant Tracking)	\$53,335
05004.6071	Fire/Emergency Services/Fire Equipment	\$282,308
05004.5874	Fire/Emergency Services/Software Maint. (mobile data)	\$60,042
19001.9247	Inter-Fund Transfers/Wilderness Park Transfer	\$25,000.00
06006.5761	Finance/City Clerk/Microfilming	\$12,250
06009.6069	Finance/City Treasurer/Data Processing Equipment	\$96,310
06015.6093	Fleet Services/Radio Shop Replacement Equipment	\$55,368.00
09250.9246	Parks/Unprogrammed KENO Appropriations	\$26.10
79110.5621	Pub. Wks./Util./Drainage/design Williamsburg Detention Pond	\$40,000.00
79110.5621	Pub. Wks./Util./Drainage/ dredging Williamsburg Detention Pond	\$260,000.00
70200.6998	Pub. Wks./Util./Water/Ashland Prod. (infrared camera/atomic absorption unit)	\$95,000
79160.6073	Pub. Wks./Util./Fleet Serv./Heavy Equip. (lease/purchase)	\$59,655
79160.5021	Pub. Wks./Util./Fleet Serv./Salaries (casual workers)	\$8,728
79160.5021	Pub. Wks./Util./Fleet Serv./FICA (casual workers)	\$668
11001.5628	Planning/Admin./Consultant Services	\$121,258
11001.5660	Planning/Admin./Interpreters	\$2,000
11001.6015	Planning/Admin./Reimbursement for Services	\$3,070

43. That unencumbered appropriations from the budget for the fiscal year beginning September 1, 2002 be transferred and reappropriated up to the following amounts effective August 31, 2003:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 18001.5989	Contingency/Misc. Other Serv. & Charges	\$26,700
To: 01001.5989	City Council/Misc. Other Serv. & Charges	\$25,000
01001.5833	City Council/Cable/Internet Service	\$ 1,100
01001.5829	City Council/Telephone	\$ 600

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From: 18002.5962 General Expense/Election Expense \$10,000
To: 18002.5646 General Expense/Lobbyist Service \$10,000
From: 18002.5621 General Expense/Misc. Contractual Services \$30,000
To: 18002.5657 Gen. Exp./Hum. Serv./Cornhusker Place (#20407) \$30,000
From: 18002.5621 General Expense/Misc. Contractual Services \$25,000
To: 18002.5865 Gen. Exp./Minor Bldg. & Grounds Improv. \$25,000
(for Centrum childcare ctr.)
From: 04025.6129 Police Garage/Parking Improvements \$43,529
To: 04025.6076 Police Garage/Misc. Equip. (Gasboy card reader) \$18,000
04025.6132 Police Garage/Buildings (roof/heating sys. repairs)
\$25,529

44. There is hereby appropriated to each departmental operating budget 100% of the unencumbered operating appropriations as shown in the final Appropriation Status Report as of August 31, 2003 up to the amount shown below:

FUND	AMOUNT
General (excludes business unit 01001)	\$1,187,039
Health	\$100,240
Animal Control	\$50,000
StarTran	\$200,000
Aging	\$178,750
9-1-1 Communications	\$110,000

45. There is hereby attached and made a part hereof a listing of all funds of the City of Lincoln which are hereby confirmed and approved.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Cook, McRoy, Newman, Svoboda, Werner; NAYS: Camp, Friendt.

SETTING THE HEARING DATE OF SEPTEMBER 8, 2003 AT 1:30 P.M. FOR APP. OF BOSS MANAGEMENT LLC DBA "HOMETOWN GARDEN CAFÉ GRILL & BAKERY" FOR A CLASS "I" LIQUOR LICENSE AT 5100 N. 27TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82293 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 8, 2003, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of Boss Management LLC DBA "Hometown Garden Café & Bakery" for a Class "I" liquor license located at 5100 N. 27th street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Ken Svoboda

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: Friendt.

SETTING THE HEARING DATE OF SEPTEMBER 8, 2003 AT 1:30 P.M. FOR APP. OF CHATTERBOX INC. DBA "CHATTERBOX" FOR A CLASS "I" LIQUOR LICENSE AT 815 O - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82294 BE IT RESOLVED BY THE CITY COUNCIL, of the City of Lincoln, that a hearing date is hereby set for Mon., September 8 2003, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of Chatterbox Inc. dBA "Chatterbox" for a Class "I" liquor license located at 815 "O" Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Ken Svoboda

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: Friendt.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 8, 2003 AT 1:30 P.M. FOR THE APP. OF ANDERSON ENTERTAINMENT LLC DBA "BUNKERS SPORTS BAR & FAIRWAYS GRILL/HOMEWORK BANQUET FACILITY" FOR A CLASS "C" LIQUOR LICENSE AT 8901 AUGUSTA DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82295 BE IT RESOLVED BY THE CITY COUNCIL, of the City of Lincoln, that a hearing date is hereby set for Mon., September 8 2003, at 1:30 p.m. or

as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of Anderson Entertainment LLC dBA "Bunkers Sports Bar & Fairways Grill/HOMEWORK banquet Facility" for a Class "C liquor license at 8901 Augusta Drive.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Ken Svoboda

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: Friendt.

APPROVING THE ADMINISTRATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND NATIONWIDE RETIREMENT SOLUTIONS FOR ADMINISTRATION OF A § 457 DEFERRED COMPENSATION PLAN - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82297 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Deferred Compensation Plan Administration Agreement between the City of Lincoln, Nebraska and Nationwide Retirement Solutions, Inc. providing for the administration of a § 457 Deferred Compensation Plan for eligible City employees in accordance with the terms and conditions contained in said Deferred Compensation Plan Administration Agreement which is attached hereto, marked as Attachment "A", and incorporated herein by this reference, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed Deferred Compensation Plan Administration Agreement and a copy of this Resolution to Georgia Glass for transmittal to Matthew A. Herman, Plan Administrator, Nationwide Retirement Solutions, 5900 Packwood Drive, P-04-04, Dublin, Ohio 43016.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED AUGUST 11, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED AUGUST 18, 2003, WITH THE EXCEPTION OF RESOLUTION NO. A-82262 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF AUGUST 4 THROUGH AUGUST 8, 2003 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82296 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Ken Svoboda

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MAYOR'S VETO LETTER OF RESOLUTION NO. A-82262 - SPECIAL PERMIT NO. 2028, APPLICATION OF METTLEN, INC. DBA TAX FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AT 2711 SOUTH 48TH STREET - CLERK presented said report which was placed on file in the Office of the City Clerk.

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REPORT OF CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX JULY, 2003: ATT WIRELESS SERVICES, VARTEC, NEXTEL - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JULY 31, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

THE NORTH 27TH STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

VACATING THE EAST-WEST ALLEY FROM NORTH 1ST STREET TO NORTH 2ND STREET IN BLOCK 264, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT NORTH 1ST STREET BETWEEN R AND S STREETS. IN CONNECTION W/03R-181, 03R-234, 03R-235)- CLERK read an ordinance, introduced by Ken Svoboda, vacating the east-west alley from North 1st Street to North 2nd Street in Block 264, Original Plat of Lincoln, generally located at North 1st Street between R and S Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 24.12 TO ADOPT THE 2000 EDITION OF THE UNIFORM PLUMBING CODE WITH LOCAL AMENDMENTS - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 24 of the Lincoln Municipal Code by creating a new Chapter 24.12 to adopt the 2000 edition of the Uniform Plumbing Code, with amendments, additions and deletions thereto regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair. location, relocation, replacement, addition to, use or maintenance of any plumbing system in the City of Lincoln; providing for the issuance of permits and collection of fees therefor; and repealing Chapter 24.10 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 25.03 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE UNIFORM MECHANICAL CODE TO ADOPT THE 1997 EDITION WITH NEW AND REVISED LOCAL AMENDMENTS - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 25.03 of the Lincoln Municipal Code relating to the Uniform Mechanical Code to adopt the 1997 edition with new and revised local amendments, the first time.

ORDINANCES - 3RD READING

REPEALING ORDINANCE 18016 WHICH CREATED ALLEY PAVING DISTRICT 362, BEING THE NORTH/SOUTH ALLEY, BETWEEN 54TH ST. TO 56TH STS., FROM CLEVELAND TO ADAMS STREETS - CLERK read the following ordinance, introduced by Patte Newman, repealing Ordinance 18016 which created Alley Paving District 362, being north/south alley, between 54th Street to 56th Streets, from Cleveland to Adams Street, the third.

MCROY Moved to pass the ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18232**, is recorded in Ordinance Book 25, Page

APPROVING A § 457 DEFERRED COMPENSATION PLAN TO BE ADMINISTERED BY NATIONWIDE RETIREMENT SOLUTIONS - CLERK read the following ordinance, introduced by Patte Newman, approving a § 457 Deferred Compensation Plan to be administered by Nationwide Retirement Solutions, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18233**, is recorded in Ordinance Book 25, Page

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$180,000,000 CITY OF LINCOLN, NEBRASKA LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS, THIRD SERIES 2003. (Request 2nd & 3rd Readings on 8/25/03) - PRIOR to reading: CLERK read the following ordinance, introduced by Patte Newman, authorizing the issuance of not to exceed \$180,000,000 City of Lincoln, Nebraska Lincoln Electric System Revenue and Refunding bonds, third series 2003, the third time.

MCROY Moved to pass the ordinance as read.
 Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18234**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to September 8, 2003.
 Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on September 8, 2003.
 Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 5:21 P.M.

SVOBODA Moved to adjourn the City Council meeting of August 25, 2003.
 Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant

